

## **Senate Bill No. 1654**

### **CHAPTER 669**

An act to amend Sections 8592.1, 8592.2, 8592.3, 8592.4, and 8592.5 of, to add Section 8592.6 to, and to repeal Article 6.3 (commencing with Section 8592.9) of Chapter 7 of Division 1 of Title 2 of, the Government Code, relating to public safety.

[Approved by Governor September 21, 2004. Filed  
with Secretary of State September 21, 2004.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

**SB 1654, McPherson. Public safety: communication equipment.**

Existing law provides that the Public Safety Radio Strategic Planning Committee, comprised of 12 specified state entities, shall have primary responsibility in state government for developing and implementing a statewide integrated public safety communication system for state government agencies that facilitates interoperability and other shared uses of public safety spectrum with local and federal agencies. Existing law requires the committee to make recommendations for agency purchase of new or upgraded communication equipment that will enable interoperability consistent with public safety digital communications standards of the American National Standards Institute (ANSI) and the Telecommunications Industry Association (TIA).

Existing law further provides that specified moneys received from the federal government for homeland security may be allocated for disbursement to state and local public safety agencies to procure and operate interoperable radio equipment that meets the public safety digital communications standards in Suite 102 of the ANSI and the TIA.

This bill would add the Office of Homeland Security to the Public Safety Radio Strategic Planning Committee and would make related and conforming changes.

Existing law requires the committee to consult with designated organizations.

This bill would add to these organizations the Military Department.

This bill would require a state department that purchases public safety radio communication equipment to ensure that equipment purchased complies with prescribed standards.

Existing law provides that, of the amounts received from the federal government for homeland security and appropriated in the Budget Act of 2002, not more than \$15,000,000 may be allocated to the security advisor to the Governor for disbursement to state and local government

public safety agencies to procure and operate specified radio equipment and requires recipients to annually report to the Legislature.

This bill would repeal those provisions.

*The people of the State of California do enact as follows:*

SECTION 1. Section 8592.1 of the Government Code is amended to read:

8592.1. For purposes of this article, the following terms have the following meanings:

(a) “Public safety spectrum” means the spectrum allocated by the Federal Communications Commission for operation of interoperable and general use radio communication systems for public safety purposes within the state.

(b) “Committee” means the Public Safety Radio Strategic Planning Committee, which was established in December 1994 in recognition of the need to improve existing public radio systems and to develop interoperability among public safety departments, and between state public safety departments and local or federal entities and which consists of representatives of the following state entities:

- (1) The California Highway Patrol.
- (2) The Department of Transportation.
- (3) The Department of Corrections.
- (4) The Department of Parks and Recreation.
- (5) The Department of Fish and Game.
- (6) The Department of Forestry and Fire Protection.
- (7) The Department of Justice.
- (8) The Department of Water Resources.
- (9) The Office of Emergency Services.
- (10) The Emergency Medical Services Authority.
- (11) The Department of the Youth Authority.
- (12) The Department of General Services.
- (13) The Office of Homeland Security.

SEC. 2. Section 8592.2 of the Government Code is amended to read:

8592.2. (a) The committee shall have primary responsibility in state government for developing and implementing a statewide integrated public safety communication system that facilitates interoperability among state public safety departments listed in subdivision (b) of Section 8592.1 and coordinates other shared uses of the public safety spectrum consistent with decisions and regulations of the Federal Communications Commission. In order to facilitate effective use of the public safety spectrum, the committee shall consult with any regional planning committee or other federal, state, or local



entity with responsibility for developing, operating, or monitoring interoperability of the public safety spectrum.

(b) The committee shall elect from among its members a chair with responsibility for leadership in implementing this article.

SEC. 3. Section 8592.3 of the Government Code is amended to read:

8592.3. (a) The committee shall consult with the following organizations and entities:

- (1) California State Peace Officers Association.
- (2) California Police Chiefs Association.
- (3) California State Sheriffs' Association.
- (4) California Professional Firefighters.
- (5) California Fire Chiefs Association.
- (6) California State Association of Counties.
- (7) League of California Cities.
- (8) California State Firefighters Association.
- (9) California Coalition of Law Enforcement Associations.
- (10) California Correctional Peace Officers Association.
- (11) CDF Firefighters.
- (12) California Union of Safety Employees.
- (13) The Military Department.

(b) Each organization or entity listed in subdivision (a) may designate a representative to work with the committee to develop agreements for interoperability or other shared use of the public safety spectrum between the state public safety departments listed in subdivision (b) of Section 8592.1 and local or federal agencies that operate a communication system on the public safety spectrum and that have capacity and technical ability for interoperability or other shared use.

(c) The committee shall develop a model memorandum of understanding that sets forth general terms for interoperability or other shared uses among jurisdictions, which may be modified as necessary for a particular agreement entered into pursuant to subdivision (b).

(d) A local agency may not be required to adopt the model memorandum of understanding developed pursuant to subdivision (c).

SEC. 4. Section 8592.4 of the Government Code is amended to read:

8592.4. (a) The committee shall determine which state public safety departments listed in subdivision (b) of Section 8592.1 need new or upgraded communication equipment and shall establish a program for equipment purchase. In establishing this program, the committee shall recommend the purchase of, equipment that will enable state agencies to commence conforming to accepted industry standards for interoperability specified in subdivision (a) of Section 8592.5.

(b) This section may not be construed to mandate that a state or local governmental agency affected thereby is required to compromise its



immediate mission or ability to function and carry out its existing responsibilities.

SEC. 5. Section 8592.5 of the Government Code is amended to read:

8592.5. (a) Except as provided in subdivision (b), a state department that purchases public safety radio communication equipment shall ensure that the equipment purchased complies with applicable provisions of the following:

(1) The common system standards for digital public safety radio communications commonly referred to as the “Project 25 Standard,” as that standard may be amended, revised, or added to in the future jointly by the Associated Public–Safety Communications Officials, Inc., National Association of State Telecommunications Directors and agencies of the Federal Government, commonly referred to as “APCO/NASTD/FED.”

(2) The operational and functional requirements delineated in the Statement of Requirements for Public Safety Wireless Communications and Interoperability developed by the SAFECOM Program under the United States Department of Homeland Security.

(b) Subdivision (a) shall not apply to either of the following:

(1) Purchases of equipment to operate with existing state or local communications systems where the latest applicable standard will not be compatible, as verified by the Telecommunications Division of the Department of General Services.

(2) Purchases of equipment for existing statewide low-band public safety communications systems.

(c) This section may not be construed to require an affected state governmental agency to compromise its immediate mission or ability to function and carry out its existing responsibilities.

SEC. 6. Section 8592.6 is added to the Government Code, to read:

8592.6. (a) The committee shall report to the Legislature by January 1 of each year on the committee’s progress in implementing this article.

(b) The report will include a complete listing of purchases by state departments of public safety radio communications equipment, for which a waiver of subdivision (a) of Section 8592.5 was granted by the committee.

SEC. 7. Article 6.3 (commencing with Section 8592.9) of Chapter 7 of Division 1 of Title 2 of the Government Code is repealed.

